

Assembly Bill No. 294

CHAPTER 429

An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

[Approved by Governor September 20, 2003. Filed
with Secretary of State September 22, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 294, Daucher. Online classroom programs.

Existing law, to be repealed on January 1, 2006, requires schools that provide an online asynchronous interactive curriculum, as defined, to meet certain requirements including, applying to the State Department of Education for participation in the program and limits total participation in the program to 40 schoolsites. Existing law prohibits a pupil participating in an online classroom program from being credited with more than one day of attendance per calendar day or more than 5 days per calendar week.

This bill would recodify those provisions as the Online Classroom Pilot Program for the purpose of monitoring and evaluating pupil participation in online asynchronous interactive programs and would limit eligibility to high schools, as specified. The bill would require a school district to submit to the State Department of Education information verifying the time a teacher and a pupil spend online and related activities in which a pupil is involved. The bill would require the department to clearly describe in the application form the academic performance information required to be submitted. The bill would require the Superintendent of Public Instruction to convene a working group to assess the online classroom pilot project and the fiscal costs of offering instruction through online classroom programs. The bill would extend the repeal date to January 1, 2007.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

- (a) California suffers from a shortage of teachers.
- (b) Many schools are unable to provide advanced placement courses to their pupils.
- (c) Many schools have difficulty providing courses in hard-to-staff subject areas.

(d) California has a diverse pupil population of varying learning styles.

SEC. 2. Section 46300.8 of the Education Code is repealed.

SEC. 3. Article 1.5 (commencing with Section 51705) is added to Chapter 5 of Part 28 of the Education Code, to read:

Article 1.5. The Online Classroom Pilot Program

51705. For purposes of this article, the following terms have the following meanings:

(a) “Asynchronous interactive instructional program” means a program in which a pupil and teacher interact using online resources, including, but not limited to, discussion boards, Web sites, and e-mail. However, the pupil and teacher need not necessarily be online at the same time.

(b) “Internet” means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol (IP), or its subsequent extensions, and that is able to support communications using the Transmission Control Protocol/Internet Protocol (TCP/IP) suite, or provides, uses, or makes accessible, either publicly or privately, high-level services layered on the communications and related infrastructure described in this subdivision.

51705.3. (a) The Online Classroom Pilot Program is hereby established for the purpose of monitoring and evaluating pupil participation in online asynchronous interactive instructional programs conducted over the Internet. The teacher of an online course shall be online and accessible to the pupil on a daily basis to respond to pupil queries, assign tasks, and dispense information. The online course shall be approved by the governing board of the school district.

(b) At each participating schoolsite, the ratio of full-time equivalent certificated teachers teaching through online instruction to pupils engaging in that instruction shall be substantially equivalent to the ratio of teachers to pupils in traditional in-classroom study of the same subject matter.

(c) A teacher may teach pupils in one or more online courses pursuant to this section only if the teacher concurrently teaches the same course to pupils in a traditional in-classroom setting in the providing school district or did so within the immediately preceding two-year period. The subject matter content shall be the same for the online course as for the traditional in-classroom course.

(d) A teacher teaching in an online classroom program shall hold the appropriate subject matter credential.



(e) To operate an online course pursuant to this section a schoolsite shall apply to the State Department of Education which shall approve schoolsites on a first-come-first-served basis. No more than 40 schoolsites may operate an online course pursuant to this section. A school district may not have more than five schoolsites that operate an online course pursuant to this section. Each participating schoolsite may provide online courses to a total number of pupils not greater than 15 percent of the total enrollment of that schoolsite.

(f) A school district offering an online course may contract with another school district to provide the online course to pupils of the offering school district. Contract terms shall be determined by mutual agreement of the school districts. School districts that provide online courses pursuant to the contract shall contract directly with the school district of the schoolsite offering the online course and shall not enter into direct contracts with the pupils of the offering school district.

(g) Statewide testing results for online pupils shall be reported to the school district in which the pupil is enrolled for regular in-classroom courses.

(h) Only high schools are eligible to offer online instruction. A school district may apply for a waiver from the State Board of Education to allow a school that is not a high school to offer online course to its pupils, and the state board may grant the waiver.

(i) A pupil shall not be assigned to an online course, unless the pupil voluntarily elects to participate in the online course. The parent or guardian of the pupil shall provide written consent before the pupil may participate in an online course.

(j) The school district of a schoolsite that offers an online course, or contracts pursuant to subdivision (f) to provide an online course, shall develop and implement policies addressing all of the following factors:

- (1) Test integrity.
- (2) Evaluation of the online courses including a comparison with traditional in-classroom courses.
- (3) A procedure for attaining informed consent from both the parent and pupil regarding course enrollment.
- (4) The teacher selection process.
- (5) Criteria regarding pupil priority for online courses.
- (6) Equity and access in terms of hardware or computer laboratories.
- (7) Teacher training for online teaching.
- (8) Teacher evaluation procedures.
- (9) Criteria for asynchronous learning including the type and frequency of the contact between pupil and teacher.
- (10) Pupil computer skills necessary to take an online course.
- (11) The provision of onsite support for online pupils.



(k) A school district of a schoolsite that offers online classroom programs pursuant to this section shall verify that online pupils take examinations by proctor or that other reliable methods are used to ensure test integrity and that there is a clear record of pupil work, using the same method of documentation and assessment as in a traditional in-classroom course.

(l) A school district of a schoolsite that offers online classroom programs pursuant to this section shall maintain records to verify the time that a pupil spends online and related activities in which a pupil is involved. The school district shall also maintain records verifying the time the instructor was online.

(m) If a pupil is participating part time in online instruction pursuant to this section, a day of attendance for apportionment purposes is 180 minutes of attendance in traditional in-classroom settings unless the pupil is participating in online instruction pursuant to subdivision (e) of Section 46300.

(n) As a condition of receipt of funds pursuant to this section, a school district shall, on an annual basis, submit the online classroom program information specified in subdivision (l) to the State Department of Education. The State Department of Education shall clearly describe in the application form the information required to be submitted pursuant to this subdivision. It is the intent of the Legislature that the costs of maintaining and submitting the required information be entirely borne by the participating school district from funds received pursuant to this section.

(o) The purposes of online classroom programs conducted pursuant to this section include all of the following:

(1) Providing expanded educational opportunities for pupils attending schools with limited educational offerings.

(2) Reaching out to pupils in schools where advanced placement courses are not available.

(3) Providing quality educational services in courses for hard-to-staff subject areas in schools where a shortage of teachers make these classes unavailable.

(4) Ensuring that courses provided over the Internet are at least as challenging as courses provided in a traditional educational setting.

(5) Ensuring high teacher quality for online classroom purposes.

(6) Ensuring pupil testing integrity for online classroom purposes.

(7) Ensuring accountability for the purposes of verifying the active involvement of all pupils participating in courses provided over the Internet.

(p) For each online class provided pursuant to this section, the governing board of a school district shall make findings of compliance



with this section, including, but not limited to, the teacher credential requirement and shall report those findings to the department.

(q) Notwithstanding any other provision of law, this section does not apply to online courses offered through a program administered by or coordinated through a California public postsecondary educational institution.

(r) The Superintendent of Public Instruction shall convene a working group to assess the pilot project established pursuant to this section and the fiscal costs of offering instruction through online classroom programs.

(s) Commencing July 1, 2005, the Controller shall review the online programs operated pursuant to this section. These reviews shall include an examination of relevant program and fiscal records from all years of participation in the pilot program, including the 2003–04 fiscal year. It is the intent of the Legislature that the Controller give these reviews the highest priority.

(t) Notwithstanding any other provision of law, no provision of this section may be waived except as otherwise provided in this section.

(u) This section shall remain in effect only until January 1, 2007, and, as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

